



United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Tom Nash
MuckRock News
DEPT MR 6249, PO Box 55819
Boston, MA 02205-5819

SEP 11 2013

Re: FOIA-2013-01259
CarMax

Dear Mr. Nash:

This is in response to your request dated August 15, 2013, under the Freedom of Information Act seeking access to consumer complaints filed against Carmax. In accordance with the FOIA and agency policy, we have searched our records, as of August 15, 2013, the date we received your request in our FOIA office.

We have located approximately 1,504 responsive complaints. I am granting partial access to, and am enclosing copies of, the accessible records. Three complaints, and portions of other complaints, are subject to two of the nine exemptions to the FOIA's disclosure requirements, as explained below.

We are withholding two complaints under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute; specifically, Section 21(f) of the FTC Act provides that the FTC may not disclose any material reflecting a consumer complaint obtained from a foreign source if that foreign source has requested confidential treatment. 15 U.S.C. § 57b-2(f).

Enclosed are 1,502 responsive complaints that consumers have sent to the Federal Trade Commission ("FTC"). You should know that the enclosed complaints have not necessarily been verified by the FTC. Therefore, you should make your own judgment about relying on the information provided. I am denying access to consumers' names and addresses, and any other identifying information found in the complaints. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

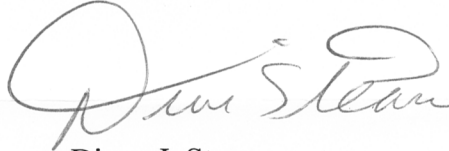
Your request also sought a fee waiver. As an "Other/General Public" requester, you are entitled to 2 hours of free search, free review, and 100 free pages. *See* 16 CFR § 4.8b(3). Because the search time for this request was *de minimus* and you requested this information be provided electronically, there are no fees associated with this request and your request for a fee waiver is moot.

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe

that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact Andrea Kelly at (202) 326-2836.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dione J. Stearns". The signature is fluid and cursive, with a large initial "D" and "J".

Dione J. Stearns
Assistant General Counsel

Enclosed: Disk